

# Interracial News Service

A DIGEST OF TRENDS AND DEVELOPMENTS IN HUMAN RELATIONS

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## PRAYER PILGRIMAGE FOR FREEDOM

The third anniversary of the Supreme Court's decision outlawing racial segregation in the public schools was observed as a "prayer pilgrimage" to Washington by many thousand Negroes. They assembled at the Lincoln Memorial to pray not only for more speedy implementation of the court decision but also for more action by the Congress in the field of civil rights.

There is ground for their impatience in the matter of school segregation, but there is also ground for hope. Much progress has been made, albeit slowly, and the principle has been firmly established. In the general civil-rights field there is again good ground for apprehension because of developments in Congress. This demonstration will serve a good purpose if it makes plain the obstruction that has been so evident in Congress is becoming increasingly intolerable.

The character of this demonstration was noteworthy. When the march on Washington was first proposed there was much justifiable anxiety among those who remembered Coxey's Army and the Bonus March. There was also the reasonable fear that Communist agents might take advantage of the occasion to promote disorder. Fortunately, these anxieties proved groundless. The meeting was, in the main, thoughtful and orderly.

Our First Amendment, perhaps the most treasured part of our Bill of Rights, guarantees to this people the right peacefully to assemble to petition for the redress of grievances. The assembly in Washington was completely lawful in every respect and those who organized it and led it are to be congratulated.

Precisely because of this emphasis we are not in entire sympathy with Representative Adam Clayton Powell's urging upon these supplicants the use of boycotts, work stoppages and slowdowns to make their point. Their point has already been well made and their case will be stronger if they, unlike some of their antagonists, remain rigidly within the law. (*New York Times*, May 19).

## Give Us The Ballot!

"Give us the right to vote!"

This was the stirring plea to President Eisenhower and Congress voiced by the Rev. Martin Luther King, one of the three co-chairmen of the Prayer Pilgrimage for Freedom, as he spoke before an estimated 25,000 persons at the foot of the Lincoln Memorial (May 17).

With the ballot, he asserted, colored people will protect themselves from violence, send men of goodwill to state legislatures, elect to Congress men who will not sign "southern manifestos, elect just judges, and implement the Supreme Court decision against segregated schools.

"In the midst of the tragic breakdown of law and order, the executive branch of the government is all too silent and apathetic," the Rev. Mr. King said. . . .

"This great gathering is one of the most inspiring gatherings I have ever looked upon in all of the 50 years of my public life," Dr. Mordecai Johnson told the crowd.

"I want to tell you how my heart is lifted up to look upon you and to see the noble, self-controlled, deliberate and prayer-

ful manner in which you have answered the call of these pure-hearted leaders who have brought you here." . . .

"We have come here in this holy place, in front of the great memorial to Abraham Lincoln to bring to remembrance in gladness and in prayer some of the great things that have been done for the emancipation of colored people, for the blessing of the people of the United States, and for the strength of the moral power and leadership of our country in the world.

"We have come to thank God for the Supreme Court decision abolishing segregation in the public schools and setting forth the principle, for the first time in 60 years, that under the Constitution of the United States it is not possible lawfully to classify a child on the basis of his race or color, and then force that child to go to an inferior accommodation of education.

"But under this law whatever accommodation for education is built for any child whatsoever belongs to every child of a citizen of the United States whatever his race, creed, or color may be.

"This is the greatest single act of government since the Emancipation Proclamation, opening the pathway of freedom for colored people and for the child of every human being that comes under the flag and Constitution of the United States."

. . . (*The Afro-American*, May 25).

## CIVIL RIGHTS AND TRIAL BY JURY

One of the persistent arguments devised by the opponents of civil rights legislation is the claim that the present bill would deprive a man of his right to a jury trial. This argument is wrong in theory and wrong in fact.

1. Existing Federal laws, long on the statute books, make it a crime for any person to violate the Constitutional rights of another in certain circumstances. In any prosecution under these statutes the defendant gets a jury trial. In no way is this existing law changed by the proposed bill. Nor would the bill make criminal any act which is not already criminal.

2. What the bill does is to add a civil remedy — as distinguished from the existing criminal remedy — in cases of civil rights violations. It would give the government the same choice between criminal or civil remedies that the government now has in some 28 fields — for example, anti-trust, wage-hour, Atomic Energy Act violations. It would give to the Attorney General the right to go to a Federal court and get an order directing a state official or some other person to do that which may be necessary to give another citizen his Constitutional rights. This is a time-honored equitable remedy — already available to individual citizens in civil rights cases; but because of the intimidation practiced against individuals sometimes, it is necessary to give this right to the Attorney General too.

3. Opponents of civil rights argue that this procedure would deprive a man of his right to a jury trial. There is no Constitutional right to a trial by jury in contempt cases. It is a long-standing rule of law that when a person violates a valid court order — whether it involves the payment of alimony, a labor relations decree, or an anti-trust order — he lays him-



self open to conviction of contempt of court and punishment without a jury trial. You do not therefore deprive a man of something, when he is not entitled to it to begin with.

4. The opponents of civil rights have never been heard before to complain about their own state laws which permit judges to send defendants to jail for contempt of court without a jury trial. No member of the Southern Bloc in Congress has raised his voice over the fine and jail sentence imposed by an Atlanta judge on the leader of the NAACP in that community for contempt of court — without a jury trial. Nor did they complain when an Alabama judge fined the NAACP \$100,000 for contempt of court — again without a jury trial. Other Southern states are setting up so-called "sovereignty commissions" and investigative committees to discourage integration. Failure to comply with orders of these commissions or committees subjects a person to a contempt citation and punishment — without a jury trial. Yet no Southern Member of Congress has protested this punitive state legislation. It should be clear to any fair-minded person that what these people are trying to do is to protect violators of Federal court orders and defend the segregation status quo in the South — and not the jury system.

5. It is true that in a case of contempt where the act done in violation of the court's decree is of a criminal nature, the defendant has been given a jury trial by Act of Congress, if he demands it. But for many years it has also been the unchallenged rule written into the law by Congress — no jury trial where the government itself is a party to the contempt action. Now for the first time — and only for the sake of encouraging resistance to valid court orders — it is being suggested that a special exception be given to violators of civil rights so that they may get jury trials when other violators of court decrees do not. If this claim has any validity whatsoever, it should be fought out in a general debate on government contempt actions and not as an extraneous and emasculating rider to a civil rights bill.

6. Consider the kind of cases in which the new civil remedies would be used. The bulk of them would involve denials of the right to vote. The order of the court would direct a jury commissioner to register a qualified voter, or in some cases would direct a sheriff not to interfere with a man's right to register and vote. If such a simple order is disobeyed, there is no reason why the court should not be able to enforce it by fine or jail sentence, as it does in hundreds of other cases of the same nature and simplicity. For example, a husband who refuses to pay his wife alimony can be fined and sentenced to jail without a jury trial, and the world accepts this as being perfectly fair.

7. Moreover, the great bulk of crimes are "misdemeanors" rather than the more serious felonies, and in nearly all the state courts misdemeanors are tried and jail sentences imposed by courts acting without a jury. Surely there is no greater need for a jury trial in case of violation of a court order designed to protect Constitutional rights, particularly since the moral stigma of a criminal conviction does not attach to a conviction for contempt. Nor does the convicted man lose any of his civil rights — right to vote, for example — which follows in the case of a conviction for a serious crime.

8. The most troublesome aspect of the hollow jury trial argument is that it seems to be a move designed to encourage resistance to valid court order. If the bill is passed in its present form, it is expected that in virtually every case a state official ordered by the court to do the rightful thing to protect a person's Constitutional rights, will obey. However, if the opponents of civil rights can add the jury-trial rider to this bill, it will be a signal to some state officials or lawless elements to defy the Federal court's order. They would count on a jury that would share the community's prejudices against Negro Constitutional rights to nullify the court's order by voting to acquit regardless of the clear evidence of guilt.

*(A statement prepared by Herman Edelsberg and David Brody of the Anti-Defamation League of B'nai B'rith and J. Francis Pohlhaus of the Washington Bureau, NAACP.)*

## CONFERENCE ON CHRISTIAN FAITH AND HUMAN RELATIONS

The vision of a new brotherhood of man arising out of the troubled strivings of the South was part of the "post-Easter evaluation" of racial problems which resulted from the gathering of more than 300 church leaders (in Nashville, Tenn.) in the southwide Conference on Christian Faith and Human Relations.

Delivering the final addresses, Merrimon Cuninggim, dean of Perkins School of Theology at Southern Methodist University, Dallas, and Martin Luther King, Jr., pastor of Dexter Avenue Baptist Church, Montgomery, Ala., called on southern white and Negro churchmen to lead their churches to become agents of reconciliation and healing.

... Dean Cunningham said: "The South today is the best laboratory in the world for testing both Christianity and democracy. As to desegregation, we have emphasized too much the difficulties the South faces and too little the opportunities."

The way is open, he said, for advance in race relations, and "we must move ahead with courageous prudence," acting as "Christians first and southerners second." He urged church leaders to recognize "the shallowness of our rationalizations," to know the facts about racial prejudice and injustice, to fit action to the needs of the local situation, and to insist on the full rights of citizenship for the perpetrators as well as the victims of injustice: "those who hate need to be rescued from their hatred as from a treacherous sea."

Dr. King, leader in the Montgomery, Ala. bus boycott, paid tribute to the many white ministers in the South who, he said, have pioneered in Christian race relations in the face of threats and violence. To the Negro leaders, he said that the Negro's aim should be never to defeat or humiliate the white man but to win his friendship and understanding. "We have the responsibility of freeing our white brothers from the quibblings of unreasonable fears. My profound hope is that the best leadership will come from the open-minded moderates of the white people of the South — there are more of these people than we have supposed. God grant that they may rise up and assume the leadership." . . .

Das Kelley Barnett, associate professor of Christian ethics at Episcopal Theological Seminary of the Southwest, Austin, Tex., reminded the conference that the local minister is the key to social action. "It is becoming clear that we must give many ministers in-service training in community leadership," he said. "In many respects the South is the last stronghold of Protestant Evangelical Piety. The southerner takes his religion seriously. When he says that Jesus is Lord he means it. He can be led, but not driven, to see that his ultimate loyalty is not to Jim Crow but to Jesus Christ. The truth spoken in Christian love will bear its anticipated fruits."

Herman Long of Nashville, director of the department of race relations for the Congregational Christian Board of Home Missions, told the delegates that a study of what the southern churches are doing about race relations does not reveal a clear pattern of gains and losses. Since the 1954 Supreme Court decision, he said, interracial ministerial associations have been formed in 20 communities. These have "kept the individual minister from being entirely isolated and left to the complete control either of his local parish or his church organization." He estimated that there are about 160 racially inclusive churches in the South. The widespread acceptance by the major Protestant denominations of forthright statements supporting the Supreme Court decision has been perhaps the most important single achievement, Dr. Long said. . . .

The theological aspects of the race issue were paramount in the address by Blake Smith, pastor of the racially integrated University Baptist Church at Austin, Tex. He compared the meeting with the first ecumenical conference in Jerusalem. "The Christian faith declares the radical and total love of God," he said. "God loves all kinds of people. This love is



totally indifferent to all social structures that separate men. The new being in Christ is a fact which can be experienced. Men can be changed, and this requires on our part depth of dedication. . . ."

The local churches should declare an "open-door policy based solely upon a confession of faith," declared Pres. Benjamin Mays of Morehouse College, Atlanta, Ga.

Everett Tilson, associate professor of biblical theology at Vanderbilt University Divinity School, analyzed the ways the Bible is often "misused" to support the view of segregationists and persons who preach superiority of one race over others: "The Bible sees men as equals not in native capacity, not in physical development, not in cultural progress, not in social poise, not in political know-how, not in spiritual maturity, but in more fundamental and ultimate respects. Men are equal in their dependence on God for their place in creation. They are totally dependent on God for their place in creation. Men are equal in their dependence on God for their membership in the covenant. Men are equal in their dependence on God for their anticipation of the final consummation." . . .

The conference, first interdenominational, interracial south-wide assembly of its kind since the Supreme Court decision of 1954, was sponsored locally by the Tennessee Council of Churches and regionally by the Fellowship of Southern Churchmen, in cooperation with 85 individual church leaders from throughout the South. . . .

The conference was held in the Nashville University Center, with meeting quarters provided by Scarritt College, Vanderbilt University Divinity School, the Methodist Boards of Education and Evangelism, and Disciples House. (*The Christian Century*, May 15).

## LAW AND THE CHRISTIAN CONSCIENCE IN SOUTH AFRICA

by PATRICK SMITH, BBC

Correspondent in South Africa

Published in *The Listener*, May 9, 1957

A keen controversy has arisen in South Africa over the church clause in the Native Laws Amendment Bill. The clause seeks to segregate congregations in urban areas. From the very outset, churches of all Christian denominations, except the Dutch Reformed Church to which all members of the Government belong, protested against what they considered a violation of religious liberty.

Yet there were misgivings within the Dutch Reformed Church, whose leaders recently had a long discussion with Dr. Verwoerd, the Minister of Native Affairs, who is responsible for the Bill. At the end of this discussion, however, it was officially announced that they had no objection to the Bill in its present form. But since then the Federal Council of the Dutch Reformed Church has made it clear that this is not the whole story, and that their statement to Dr. Verwoerd had in publication been altered and four of their eight points omitted. One of the four points which were published stated that the right to determine how, when, where and to whom the Gospel should be proclaimed is exclusively in the competence of the church. The word "where", indicating where the Gospel should be proclaimed was left out of the official statement. Similarly, the Dutch Reformed Church stated that it was the duty of the State, as the servant of God, to allow full freedom to the church in the execution of its divine calling. The word "full" before freedom was also left out.

One of the other points made by the Federal Council, which was deleted altogether, was this:

When the State lays down provisions which limit the attendance at religious gatherings arranged by the Church, this affects the freedom of religion and the sovereignty of

the Church; therefore it is to the benefit of the Church and the State that each should confine itself strictly to the task which, through the word of God, is entrusted to it. And the Church is called on to warn the State against possible obstruction to the carrying out of the Gospel.

Commenting on this grave statement, Professor Keet of the Dutch Reformed Theological Seminary at Stellenbosch University, said that his church had been done a service by the full publication of the statement of the Federal Council. The principle embodied in Dr. Verwoerd's Bill remained the same. The powers given to him to prohibit church services at which non-Europeans might be present conflicted with the autonomy of the Church, whatever private assurances the Minister might give. The clause, Professor Keet added, was obviously aimed at the English churches, many of whom held mixed services for whites and non-whites. But the Afrikaans Churches could not, because they themselves did otherwise, afford to regard with complacency the threat to church freedom implicit in this clause. The protest from the Dutch Reformed Church has certainly caused uneasiness in government ranks.

Other Christian denominations, whilst weighing their words equally carefully, have said outright that they will not be able to obey if the Bill becomes Law. The late Anglican Archbishop of Cape Town, a few hours before his death, wrote to the Prime Minister, Mr. Strijdom, recalling the commandment to "render unto Caesar the things that are Caesar's and to God the things that are God's".

The Roman Catholic, Methodist, Presbyterian, Baptist, and other churches have also made it abundantly clear that their clergy will in conscience be compelled to disobey if the Bill becomes Law.

There is just a possibility that Dr. Verwoerd may try further to amend this contentious clause when the Bill comes up for discussion in the Senate. Whether he does or not there seems now little doubt that the principle of *apartheid* will remain enshrined in it and that the strong opposition from the churches will be sustained. (*From the Africa Committee, Division of Foreign Missions, National Council of Churches*).

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World attention has been focused on the conflict between church leaders and government authorities in South Africa over a bill that would bar Negroes from churches in white urban areas. Spokesmen for the Roman Catholic Church and most of the country's major Protestant bodies have denounced the proposed legislation as a violation of the rights of religion. They have warned that their churches will defy the bill if it becomes law. The issue was dramatized when Anglican authorities recently erected a sign on the steps of St. George's Cathedral in Capetown which read: "This cathedral is open to all men and women of all races to all services at all times." The Dutch Reformed Church is the only major religious body in South Africa that so far has not spoken out against the proposed legislation.

One of the most forthright denunciations of the "church" clause was made by Dr. Richard Ambrose Reeves, Anglican Bishop of Johannesburg, who joined other religious leaders in urging defiance of the projected law. "I recognize," he said, "that it is a grave matter to disobey the law of the land, and a still more serious thing to advise others to do so. But we have fully weighed the probable consequences of our action and believe that we must face whatever suffering may be involved rather than to submit to such interference in the life of the Church." (*Lutheran Standard*, May 11).

## CLINTON — A MILESTONE

The first colored pupil to receive his diploma from an integrated school here (Clinton, Tenn.) was accorded that honor Friday, May 17, exactly three years after the U. S. Supreme Court issued its historic ruling outlawing segregation in the nation's schools.

The graduate is 17-year-old Bobby Cain, one of the 12 colored pupils admitted to Clinton High School last fall, an



incident that was fanned into racial disturbances so violent that it was necessary for the State Guard to be called in to maintain order.

The other 88 seniors in young Cain's graduating class were white. Seven of the 12 colored pupils who started school last Aug. 27 are still enrolled there.

Asked how it felt to get through the year and make a little history, Bobby told reporters:

"Well, I'm just glad to graduate. That's about the only way I feel.

"It's been a rough year," he went on, "and I wouldn't want to repeat it."

However, when he was asked if he were sorry he went to the integrated school, he said "no."

Bobby knew that the Supreme Court decision had been announced on May 17, 1954, but said he hadn't thought about its being the same date as his graduation.

He plans to work this summer and then go to Tennessee State A and I University in Nashville in the fall.

Before Clinton High School was ordered to integrate by U. S. District Judge Robert L. Taylor, last fall, Bobby attended Austin High School for colored pupils in Knoxville, Tenn., 20 miles away from his home. (*The Afro-American*, May 25).

## NEW PUBLICATIONS

PSYCHIATRIC ASPECTS OF SCHOOL DESEGREGATION, obtainable from the Group for the Advancement of Psychiatry, 1790 Broadway, New York 19, N. Y. \$1.00.

THE NEGRO AMERICAN — A READING LIST, available from Dept. of Racial and Cultural Relations, 297 Fourth Ave., New York, N. Y. 25c single copies. 20c each for orders of 100 copies or more.

Below are listed materials for the observance of the 1957-58 missionary theme, "Christ, the Church and Race." All are available from Friendship Press, 257 Fourth Ave., New York, N. Y.:

### FOR ADULTS:

THE KINGDOM BEYOND CASTE by Liston Pope. Cloth \$3.00, paper \$1.25.

ADULT GUIDE ON "CHRIST, THE CHURCH AND RACE" by Rosalyn Summer Sease. Paper 50c.

PROGRESS AGAINST PREJUDICE by Robert Root. Cloth \$2.50, paper \$1.25.

SUDDENLY THE SUN by Eleanor Hull. Cloth \$2.75, paper \$1.50.

### FOR YOUTH:

SEEKING TO BE CHRISTIAN IN RACE RELATIONS by Benjamin E. Mays. Cloth \$1.50, paper \$1.00.

YOUTH GUIDE ON RACE RELATIONS by Sara Little. Paper 50c.

WHAT CAN WE DO? by Ruth Douglas See. Paper 60c.

SENSE AND NONSENSE ABOUT RACE by Ethel J. Alpenfels. Paper 50c.

THE STORY OF THE AMERICAN NEGRO by Ina Corinne Brown. Fall publication. Cloth \$2.75, paper \$1.50.

ROOM FOR RANDY by Jesse Jackson. Cloth \$2.50, paper \$1.25.

JUNIOR HIGH PROGRAM GUIDE ON RACE RELATIONS by Janice Bennett. Paper 50c.

### FOR CHILDREN:

THE SWIMMING POOL by Alice Cobb. Cloth \$2.50, paper \$1.25.

JUNIOR TEACHER'S GUIDE ON "CHRIST, THE CHURCH AND RACE," by Frances Eastman. Paper 50c.

THE APPLE TREE HOUSE by Anne M. Halladay. Cloth \$2.50, paper \$1.25.

PRIMARY TEACHER'S GUIDE ON "CHRIST, THE CHURCH AND RACE," by Edith F. Welker. Paper 50c.

PICTURE ALBUM — FRIENDS AT HOME. Paper \$1.00.

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